
The Present Situation in the Congo

Author(s): W. L. Ferguson

Source: *The Journal of Race Development*, Vol. 1, No. 4 (Apr., 1911), pp. 400-414

Published by:

Stable URL: <http://www.jstor.org/stable/29737881>

Accessed: 15/07/2014 09:41

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at

<http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



<http://www.jstor.org>

THE PRESENT SITUATION IN THE CONGO

*Rev. W. L. Ferguson, D.D., Chairman of the American
Baptist Foreign Mission Society's Commission to
the Congo Mission and the Sudan*

In order to understand the present situation in the Congo, a somewhat extended consideration must be given to the political system and to the administrative and commercial methods of the old Congo Free State, as it existed under the personal rule of Leopold II of Belgium, prior to its annexation in 1908 by the Belgian Government.

I do not propose to discuss the evidence, so abundantly put forth in recent years, regarding abuses of native rights and atrocities committed upon native persons. I propose rather to accept the findings of the special Commission appointed by King Leopold II in July 1904, and to refer my hearers to their Report for a full answer to the question so often asked, "Is it true that there was such misrule in the Congo?"

The Report of the Commission of Enquiry falls into eight divisions: (1) The Land Régime and the Freedom of Trade; (2) Taxation; (3) Military Expeditions; (4) The System of Concessions to Commercial Companies; (5) Depopulation and its Causes; (6) Abandoned or Orphaned Children; (7) The Recruiting of Soldiers and Workmen; (8) Courts and the Administration of Justice. In regard to every one of these items the Leopoldian Commissioners found abuses existing and made definite recommendations for the introduction of reforms. Their verdict in general terms is "Guilty," but the reader of the Report is left to infer what the degree of guilt may be, inasmuch as the testimony of the witnesses, upon which the findings of the Report are based, has never been published, although called for many times by the Congo Reform Association and others interested

in the questions at issue. Let us consider the eight points of the Commission's Report, for these tell us what the Belgian Government inherited from Leopold II as a system.

LAND TITLES AND THE RIGHT OF THE NATIVES TO TRADE

Prior to the founding of the Congo Free State, with the exception of a few small holdings by commercial houses on on the Lower Congo, no such thing as private ownership of land existed. Life was communal. People dwelt in villages, under their several chiefs, cultivated small plots of land near their homes, hunted and fished in the jungles, open tracts and streams, and utilized natural products of the soil according to their need. The boundaries between villages ruled over by different chiefs were fixed, well defined and understood by the natives, so that it cannot be truthfully said that there were vast stretches of unclaimed land. It was claimed as belonging to the domain of this chief or that; but only a small portion of the whole was under cultivation.

One of the first things to engage the attention of the Congo Free State was this matter of ownership in land. The State decreed, in July, 1885, that the rights of commercial companies who purchased, or acquired land in the Congo, should be respected; and at the same time decreed that all vacant lands should belong to the State. Such tracts as were occupied by the natives should remain in their possession, according to local customs: but for the future, no contract with the natives for the acquisition of lands would be recognized by the State. It does not appear that any definition of "occupied" and "unoccupied" lands was ever made for the guidance of State officers. And so there grew up in the Congo a system of private interpretation, which limited "occupied lands" to village sites and the plots used for cultivation immediately about them. All the rest of the domain was considered "unoccupied" and thus as belonging to the State.

The State having, in this manner, become proprietor of almost all the land, claimed also the absolute right of owner-

ship in all products of the soil, and forbade the natives to settle on any part of the State domain, to gather or to dispose of any products found therein. Since the native, from time immemorial, has been accustomed to change his village sites with some degree of frequency and has led a free life in respect to land areas adjacent to his village, this new régime, which exposed him to arrest and punishment for doing what he had been accustomed to do at pleasure, wrought great hardship and produced both poverty and misery. Except for his own hut and the small cultivated plots about the village, he had no place where he rightfully belonged: he was abroad simply upon sufferance and might be apprehended at any time as a poacher, a fugitive or a thief. The State and the commercial companies holding concessions from the State thus obtained control, and the monopoly of nearly all the lands and produce of the Congo Free State. Rubber and ivory could not be gathered or disposed of to private parties. The seller was regarded as a thief and the buyer as an accomplice, and prosecuted as such. The only hope for the native, outside the small garden patches under cultivation, lay in working for the State or for the Concession Companies. This labor was ill paid in barter goods or in brass rods, of doubtful value.

SYSTEM OF TAXATION

The imposition and collection of taxes is recognized as necessary in the conduct of an organized government. After the founding of the Congo Free State laws were enacted which provided that natives should be taxed in labor or in the equivalent of labor. This plan was adopted because (1) it is said that the native is lazy and needs to be taxed in order that he may learn to work; and (2) because it is the only tax universally collectable, since there is no common currency in the country, and since native possessions are so few—a hut, a few weapons, and a small garden patch—upon which to levy in case of default of payment.

In application, this system resulted in forced labor by which rubber, copal, and ground-nuts for exportation; food supplies

as quanga, fish, game and goats, sheep or fowls for the civil and military posts of the State; and special services, as day labor about the posts, rowing, portage across country, and wood cutting for the government steamships were secured. Theoretically the natives were to be paid for their labor. Practically they were not given any adequate compensation.

The State for some ten years exercised this right to make prestations, without in any way specifying the nature of the tax or the amount of labor to be performed, or the means to be employed in securing it: but a decree of the court, at Boma, in 1903, expressed the opinion that "no one could compel the natives to labor," and so the State had to revise its procedure.

The new law of 1903 fixed forty hours per mensem as the maximum of actual forced labor for any adult, male or female; but this law was never fully put into operation. Where it was enforced, not the time spent in labor, but the quantity of produce furnished was the basis of reckoning. When compensation was allowed, not the value of the produce furnished, but the value of the labor only was reckoned.

These taxes were collected through the chiefs of post and the managers of Concession Companies. Requirements varied more or less in different districts according to the will of the man who happened to be in power. If labor or produce were not forthcoming in the quantities required, the native chief or other inhabitants, sometimes women, were arrested and held as hostages. This resulted in stimulating labor for the time being, but it lessened the dignity and authority of the native chiefs. The length of time defaulters might be detained was never fixed by law. Grave abuses were common and excessive demands from those in authority often compelled many of the natives to spend practically all their time in the service of the State, leaving them little or no opportunity to care for their own gardens or huts, or to hunt and fish for themselves, or to follow the simple crafts of their villages.

MILITARY EXPEDITIONS

The Congo Free State, at the time of its annexation by Belgium, had an army of some 30,000 native soldiers, officered by Belgians. This large force was employed for the "pacification" of the country, the suppression of revolts, and for maintaining law and order generally. But aside from these more legitimate uses of the military authority, the system of taxes and enforced labor in payment of them resulted in frequent expeditions of the soldiery, the object of which was to coerce recalcitrants and delinquents. The methods employed on such occasions ranged all the way from the simple occupation of a village, as a demonstration of the State's power, to open attack and deliberate bloodshed. The Report of the Commission of Enquiry says:

Often the natives flee at the approach of the troops without offering any resistance; the abandoned village is then occupied or the neighboring plantations. Driven by hunger, the natives return alone or in little groups; they are arrested and compelled to find the chief and the leading men, who almost always make their submission, promising never again to fail in their obligations, and are sometimes subject to fines. It happens also that the natives are slow to reappear, and the patrols are sent to beat the bush and to bring in all whom they may meet. The dangers of this system are obvious. The armed black, left to himself, reverts to the sanguinary instincts which the strictest discipline has scarcely subdued. It is in the course of such patrols that the greater part of the murders, with which the soldiers of the State have been charged, are committed. . . . Sometimes, the military expedition takes a punitive character, the object of which is to inflict exemplary punishment on a village or a group of natives, of which some unknown individuals have committed a crime. . . . Sometimes the most murderous consequences have followed. The expedition may easily degenerate into massacre, accompanied by fire and pillage, the punishment being in flagrant disproportion to the fault, and the innocent suffering with the guilty.

Military expeditions were also sent out by some of the Concession Companies, contrary to law.

In the course of these irregular operations, grave abuses have been committed—men, women and children have been killed, often just as they took to flight, others have been made prisoners, and women have been detained as hostages.

So great did the disorder occasioned by these raids become, that the State in 1900 issued an order forbidding such expeditions by the Companies; but in doing so it placed at the call of the Companies, through the Commissioner of the district, bodies of police which might be called out when the "pecuniary interests of the Company are at stake."

CONCESSIONS TO COMMERCIAL COMPANIES

The Report of the Commission of Enquiry complains that "it is on the portions of territory exploited by the concessionaire companies that the greatest abuses are committed." But the State was usually a Partner in the Companies to the extent of one-half their shares in stock and profits. The State in return for these financial considerations granted to the concessionaire companies the right to gather for their sole profit the natural products of the State Domain, and delegated to the companies a portion of its powers in the matter of taxation, including the exercise of compulsion. It happened in this way that the native was compelled to collect for the companies the fruits of the Domain, whether he wished to work or not, and that he received for his labor what the Companies were pleased to give.

These companies have done nothing to ameliorate the condition of the natives in the districts which they occupy. Their officers act . . . as commercial agents, greedy of gain and stimulated by considerable premiums, and as functionaries, charged with the collection of imposts. As the superior officers and the directors of the companies receive still larger premiums than their assistants, it is hardly to be expected that they will exercise a wise control over the acts of the latter.

DEPOPULATION AND ITS CAUSES

Thirty-five years ago the population of the Congo was estimated by several explorers, Henry M. Stanley among them, to be all the way from 30,000,000 to 43,000,000. Today it is estimated by missionaries, traders and foreign government officials to be somewhere between 7,500,000 and 10,000,000. It is probable that the earlier estimates were too high; but there can be no denying the fact that the

population has suffered a marked decline. The causes are many. During these years sleeping sickness has gradually crept up the main river and some of its tributaries and has passed beyond the boundaries of the Free State over into Uganda, levying its heavy death toll as it proceeded. Great epidemics of smallpox have afflicted considerable regions. The numerous military expeditions to which reference has been made swept out of existence whole villages and greatly decimated the population of others. The levying of large numbers of men and women for State and Company purposes during which exposure to all sorts of hardships was experienced; the drafting of able bodied men and youth for service as porters, all had the tendency to accelerate the death rate and to decrease the birth rate of the population. It is affirmed by some that the natives being in a perpetual state of fear, and desirous of being able to make their escape from the soldiery should a raid occur, deliberately employed means to prevent child-bearing. The effect of all this is seen in many a village where young children and infants are a rarity.

ABANDONED OR ORPHANED CHILDREN

Among the decrees of Leopold II is one of July 12, 1890, which confers upon the Congo Free State

The guardianship of all children set free after the arrest or dispersion of slave caravans, of fugitive slaves who seek protection, of abandoned children or orphans, and of those whose parents fail to fulfil their duties of maintenance and education.

The same decree provides that agricultural and industrial colonies shall be established for the care and training of these children. Two such are in existence, one at Boma and the other at New Antwerp. The age of twelve is the maximum at which children may be admitted. They are to remain under the guardianship of the State till they are twenty-five years of age. After a three years course in the "colony," provided the age of fourteen years has been reached, the children are assigned to service, the boys to the army, the

police, the administration as clerks, interpreters and artisans of all kinds; the girls—as wives for the soldiers.

The Commission of Enquiry found that grave abuses were in existence; that both the State and the Roman Catholic Missions were exploiting the children under cover of the decree; that force was employed in gaining possession of the children in the first instance, and sometimes in retaining them afterwards; that both the State and the Roman Catholic Missions resorted to “recruiting;” that married men were sometimes recruited as orphans, separated from their wives and forbidden henceforth to see them; that many others, who were neither abandoned nor orphaned, were seized and held even in cases where their parents demanded their return. The Report says:

The Fathers establish groups of fifteen or twenty in hamlets surrounded by plantations, which may be met with in large numbers in the district, and which take the name of *fermes chapelles*. The inhabitants of these posts are kept by the State in the strictest tutelage. They possess no private property; the products of their cultivation, the small cattle which they raise, are in general destined for the Mission. They rarely receive sanction to marry or to return to their villages. The greater portion of the natives who people the *fermes chapelles* are either orphans or laborers on contract. They are demanded from the chiefs, who dare not refuse them; and only compulsion, more or less disguised, prevents them from returning. Thus the system tends to illegal proceedings, which appear to have only the most remote connection with the application of the decree on abandoned children.

RECRUITING OF SOLDIERS AND WORKMEN

The recruiting of soldiers and laborers for public works is by voluntary engagement and by conscription. The State assumed that it had the right to demand military service from its subjects, and adopted the most common European method, conscription, in securing it. Likewise the State asserted its right to impress people into the service required upon public works of various kinds. The conscription for the army takes place annually, the Governor-General being charged with designating the districts in which it shall occur and the number of recruits required in each. The Com-

missioner of the District works through the native chiefs, who generally nominate the men who are to form the contingent furnished.

There is a law in regard to the securing of free labor on contract, which throws certain safeguards about the laborer and limits any contract to seven years. In regard to the lower reaches of the Congo the Commission of Enquiry found that the law was working quite satisfactorily, but in the upper regions it found

That the law is an illusion, that in most cases the natives, in spite of all precautions taken by the law, find themselves engaged under a contract, the conditions of which have never been explained to them.

It further found that "district commissioners engage, specially for cultivation, children from seven to eight, who find themselves bound for several years in virtue of a contract which perhaps they have accepted voluntarily, but the meaning of which they cannot possibly have understood."

Laborers are legally subject to corporal punishment, the most common of which is whipping with the *chicotte* a long strip of hippopotamus hide twisted and sun-dried. It is very hard and when applied to the bare skin will cut like a knife. Fifty lashes with this instrument is the maximum allowed, and not more than twenty-five shall be applied in one day. The Commission says:

Notwithstanding all the legal restrictions, the use of the *chicotte* gives rise to certain abuses; recourse is had to it too frequently without sufficient justification, and the legal limit is surpassed. . . . It is equally true that these illegalities are not always prosecuted with desirable vigor; for the administrative authority, impressed with the difficulties which its agents encounter, fear to weaken the authority of the white man in the eyes of the natives.

COURTS AND THE ADMINISTRATION OF JUSTICE

Justice is administered through regularly constituted Courts, as follows: Civil and commercial cases are first tried at Boma in the Inferior Court, and in case of appeal,

the Court of Appeals at the same place, with the right of further appeal to the Supreme Court at Brussels. Criminal cases come to the Inferior Court at Boma, to territorial tribunals and to councils of war. The territorial tribunals in 1904 numbered fourteen, and the councils of war were more numerous. The Commission of Enquiry passed three criticisms upon the system of courts. These they say are "serious."

"The first refers to the composition of the tribunals," (that they are so poorly supplied with trained, qualified magistrates); "the second to the number, which is too limited, having regard to the immense extent of territory; the third, to the dependence in which the officers of the prosecuting magistrate find themselves, *vis-a-vis* of the administrative authority."

The abuses growing out of the system the Commission of Enquiry found to be the great hardship entailed upon litigants in having to travel so far to get their cases tried; the undue expense both in time and money, sometimes an absence of seven months from home, and a journey of 1500 miles; the hardship entailed upon witnesses who had to make these long journeys and absences, which many times resulted in death from home-sickness or diseases contracted when away from home; the delay occasioned by an undermanned Bench in bringing cases to trial; the holding of many prisoners as political offenders who were detained often for long periods, apparently without trial, simply upon the order of the Administration.

LEOPOLD'S INDIFFERENCE

In the foregoing discussion we have seen what was the system of administration of the Congo Free State, and to what abuses it gave birth. At the time when the civilized world was crying out for a redress of grievances, for the rectification of affairs in the Congo in accordance with the terms of the Act of Berlin, King Leopold II, Sovereign of the Independent State of the Congo, was reaping a golden harvest from the sale of rubber, ivory, copal, ground-nuts, etc., and from the dividends of concession companies in

which the State (*i.e.*, Himself) was partner. He was too busy apparently, at first, to pay any attention to the complaints of those who espoused the cause of the native. But later, he was compelled to attend to the insistent voice of powerful nations, to yield to the force of the accumulated evidence of mal-administration in the Free State. Delays, evasions and denials were followed by the appointment of the Commission of Enquiry, to whose report reference has so often been made in this paper. That Commission in the main substantiated in its report the truth of all the charges which had been brought against the Free State Administration.

BELGIAN ANNEXATION

Not until October, 1905, was the Report published; and not until the last day of that month was a committee appointed to make recommendations concerning ways and means to carry out the reforms which the Report recommended. In 1906 rumors began to circulate that Belgium would take over the administration of the Free State, annexing its territory as a colonial possession. In November, 1907, the text of the treaty of transfer from Leopold II to Belgium was published; and in August, 1908, annexation became a fact, and Belgium, at a purchase price of two millions of pounds sterling, took over the Independent State of the Congo as a going concern, with all its edicts, decrees, laws, orders and instructions to administrators; with all its obligations financial and moral; with all its heritage of misrule and its unredressed wrongs. In spite of protests by the United States and Great Britain, in the face of repeated requests by the British Government for guarantees of reform in case of annexation, Belgium asserted that she would, and she did take over the Congo State on her own terms, assuming administration of the State from the moment Leopold II laid by its sovereignty as a personal right, and, without pledge of any kind, under the old laws, beginning her work, not only as the paramount power and owner, but as partner in the great concessionary companies.

It was not until October, 1909, that the Belgian Government put forth its reform scheme, which provided for the redress of many of the grievances under which the natives of the Congo still suffered; and it was not until July of this year (1910) that the reforms became to any considerable degree effective. Continued agitation of years bore earlier fruit in that there was an amelioration of the rigors with which the natives were treated, although the body of laws remained substantially the same.

REFORMS

The reforms undertaken by Belgium are in the interest of the Congo peoples. It must be acknowledged that a heavy and difficult task was undertaken when annexation was decided upon. If reforms were to be carried out, it meant the uprooting of a vicious system of administration and the entire change of policy and personnel in the Congo State. Her programme evidently is to reform the administration by degrees and by a process extending through a term of years to bring about the desired changes. She has begun by opening out nearly one-half of the territory of the State to the free commerce of nations, restoring to the natives the right to trade in the products of the soil, and to the foreign merchant the right to buy and sell. She has undertaken to introduce a currency in the country—a reform of pressing necessity, for at the time of my visit much demoralization existed in the region of Lake Tumba, for instance, where brass rods were given to the natives in payment for their labor and produce, by State officials, and then refused in payment of taxes by the State. A new scale of taxes was in process of formation in several districts, by which individuals were assessed in fixed sums to be paid, wherever possible, in coin; so much for a man, and so much for every wife besides the first, who is to be untaxed, thus putting the approval of the State upon monogamy, and a tax upon polygamy. The change from a forced labor tax to one in coin is a great gain. In operation it ought to put an end to compulsory service both in the State territories and in the concession areas;

and the opening of the country to freedom of trade will give the natives a chance to reap the profits of their toil.

Within the next two years the greater part of the remaining territory of the Congo-Belge will be opened in like manner; but there is a certain portion concerning which no programme has been announced. It is a matter for rejoicing that reforms have begun, and that it can be said that no cases of atrocity have been complained of during the past twelve months or more. But good as is the beginning, much more needs to be done.

NEEDS

One of the deep and lasting impressions a visitor to the Congo receives is the almost utter absence of anything designed to benefit the people as a whole. One is tempted to ask again and again, What has become of the tax and other revenues which the Free State has collected for years? Where are the roads, the bridges, the ferries, and the means for communication from place to place? The railway from Matadi to Stanley Pool was constructed by a company and not by the State, and is reaping enormous profits. The piers at Matadi, where the ocean steamers tie up, are the property of the railway and not of the State. Except for a small light at the mouth of the Congo and a few buoys to mark the channel and one pier at Boma, costing probably not more than a thousand or fifteen hundred pounds, there is nothing visible on the lower Congo to show that a State has been interested in improving commercial facilities and building up a country for the benefit of the inhabitants. The paths which lead from one village to another are cleared in many places—but this is done under order to the chiefs, and is unpaid service, I am told. The only bridge I saw was one constructed of poles, and it was so rickety that one had to be very circumspect in walking across it. This was constructed by forced labor under the direction of a State official. In a tramp of 150 miles across country I had to cross many swamps and streams. These had to be waded whenever the water was too deep to allow one to be borne

in a hammock. The only way to cross was to strip and plunge in. Only once did I find a canoe to carry the porters, the baggage and myself across, and this canoe was a private affair, owned by a native. The State has a fleet of steamers on the Upper Congo, but these cannot in any sense be said to be public conveyances. They are for State purposes, and only by grace can passage be secured, after the State has served itself. The towns of Boma, Matadi and Leopoldville are straggling frontier villages, much the same as one found twenty or thirty years ago in the western parts of the United States—mostly frame buildings with corrugated iron roofs. The posts along the upper reaches of the river are often little better than temporary affairs. None of them seem constructed with a view to permanence. The improvement of the port at Leopoldville is the most substantial public work I saw in a journey of 850 miles up the river.

Some idea of the military burdens of the people can be had when it is said that the Government proposes to add 80,000 pounds to the expenditure under this head during the present year (1910). One is again tempted to ask why?

When Belgium annexed the Congo, the latter's armament, according to official returns, included 26,000 Albini and Mauser rifles, 5,250,000 rounds of ball cartridge, 1,600,000 caps, 185 cannon of various kinds and calibre, amongst them seventy-five Nordenfelds, forty-four Krupps and nineteen Maxims.

There are no uprisings imminent; the people are crushed and submissive. Why spend in increasing armaments, rather than in public improvements that which will aid the people to recuperate their strength and develop their resources? The land needs rest from war and the burdens of war.

There seems to be trouble ahead for the Belgians in regard to the concessionaire companies. Only recently one of them, the Kasai Company, has brought suit against the Government for damages to the tune of 1,600,000 pounds sterling, alleging that it has been injured in its business by the opening up of its territory to freedom of trade. It claims that the action of the Government is in violation of the terms of the Company's concession. But the Government itself is a partner (half) in the Company, and so is at once plaintiff and defen-

dant. So long as this anomolous relation of the Government exists, it will be difficult to deal with the questions involved in an open, vigorous and satisfactory manner. The thing needed is that Government should cease being a partner or monopolist in any commercial concern or enterprise, and that it should cease delegating its functions to commercial and concession companies. It should exercise all of its functions of police, magistracy and administration, within concession areas as well as without, and see that the people are justly dealt with and properly rewarded for the fruits of their soil and the labor of their hands.

PROSPECTS

All parties who have been long in the Congo believe that at last a new day has dawned. King Albert of Belgium is acknowledged to be a man of gracious bearing and kindness of heart. On his recent visit to the Congo he won all classes and left behind him a fragrant memory. The efforts of the new government to stay the ravages of sleeping sickness, to introduce beasts of burden into the country, to readjust taxation, to provide a currency of stable value, and to open up the country to trade with the outside world, upon equal conditions to all nations, are recognized as proofs of good faith. If the reforms can be further extended, if the villages can be fostered so that peaceful and contented communities may be built up and repopled with youth and industry, if the taxes collected from the people can be used to develop the country for the people, if military burdens may be lightened and the present method of colonizing "orphans" suppressed, then will the Congo State flourish, its people increase in wealth and happiness, and the land become the fairest in all Africa. Hopeful, but not sanguine that such will be the case, the United States and Great Britain, for the present, withhold recognition of the Belgian annexation.